

AMENDED IN SENATE AUGUST 17, 2009

AMENDED IN SENATE JULY 23, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

## **ASSEMBLY BILL**

**No. 80**

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**Introduced by Assembly Member Blakeslee**

December 19, 2008

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An act to amend Section 115841 of the Health and Safety Code, relating to reservoirs.

### LEGISLATIVE COUNSEL'S DIGEST

AB 80, as amended, Blakeslee. Reservoirs: recreational use.

Existing law prohibits the recreational use of reservoirs where water is stored for domestic use and defines recreational use for this purpose to include recreation in which there is bodily contact with the water by a participant. Existing law exempts certain reservoirs from this prohibition, including, but not limited to, Nacimiento Reservoir, and sets forth conditions and restrictions to ensure water purity. Existing law imposes water treatment requirements on an agency that removes water from the Nacimiento Reservoir that must be completed prior to its domestic use.

This bill would impose additional minimum water treatment requirements that must be met by the agency removing water from that reservoir. This bill would also allow the entity operating the water supply reservoir or the department to subject the recreational use to additional conditions and restrictions. By imposing additional requirements upon a local agency. This bill would create a state-mandated local program.

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

*The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that no reimbursement is required by this act for a specified reason.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 115841 of the Health and Safety Code
- 2 is amended to read:
- 3 115841. Recreational activity in which there is bodily contact
- 4 with the water by any participant shall continue to be allowed in
- 5 Nacimiento Reservoir in accordance with all of the following
- 6 requirements:
- 7 (a) Any agency that removes water from the reservoir for
- 8 domestic use shall comply with any, or at a minimum, one of the
- 9 following with regard to the water removed:
- 10 (1) (A) The water subsequently receives complete water
- 11 treatment in compliance with all applicable department regulations,
- 12 including coagulation, flocculation, sedimentation, filtration, and
- 13 disinfection, before being used for domestic purposes. The
- 14 treatment shall, at a minimum, comply with all state laws and
- 15 department regulations and all federal laws and regulations,
- 16 including, but not limited to, the federal Environmental Protection
- 17 Agency Long Term 2 Enhanced Surface Water Treatment Rule.
- 18 Nothing in this division shall limit the state or the department from
- 19 imposing more stringent treatment standards than those required
- 20 by federal law.
- 21 (B) Disinfection at the Paso Robles treatment facility shall
- 22 include, but not be limited to, an advanced technology capable of

1 inactivating organisms, including, but not limited to, viruses,  
2 cryptosporidium, and giardia, to levels that comply with department  
3 regulations. The treatment may include, but not be limited to,  
4 ozonation or ultraviolet disinfection.

5 (2) The water is discharged in a manner that allows percolation  
6 into a subsurface groundwater basin for subsequent extraction  
7 from only those groundwater wells that have been determined by  
8 the department not to be under the influence of surface water  
9 pursuant to Chapter 17 (commencing with Section 64650) of  
10 Division 4 of Title 22 of the California Code of Regulations and  
11 subsequently receives disinfection and complies with all applicable  
12 department regulations before being used for domestic purposes.

13 (3) The water is discharged in a manner that allows percolation  
14 into a subsurface groundwater basin for subsequent extraction  
15 from groundwater wells under the influence of surface water that  
16 receives treatment pursuant to Chapter 17 (commencing with  
17 Section 64650) of Division 4 of Title 22 of the California Code of  
18 Regulations and complies with all applicable department  
19 regulations.

20 (b) The reservoir is operated in compliance with regulations of  
21 the department.

22 (c) The recreational use may be subject to additional conditions  
23 and restrictions adopted by the entity operating the water supply  
24 reservoir or required by the department; if those conditions and  
25 restrictions do not conflict with regulations of the department; and  
26 are required to further protect or enhance the public health and  
27 safety.

28 (d) The water stored for domestic purposes that may be excepted  
29 from the requirements of subdivision (b) of Section 115825 is  
30 removed from the reservoir by an agency for domestic purposes  
31 only in San Luis Obispo County and only in an amount for which  
32 that agency has a contractual right.

33 ~~SEC. 2. If the Commission on State Mandates determines that~~  
34 ~~this act contains costs mandated by the state, reimbursement to~~  
35 ~~local agencies and school districts for those costs shall be made~~  
36 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~  
37 ~~4 of Title 2 of the Government Code.~~

38 *SEC. 2. No reimbursement is required by this act pursuant to*  
39 *Section 6 of Article XIII B of the California Constitution because*  
40 *the only costs that may be incurred by a local agency or school*

1 *district are the result of a program for which legislative authority*  
2 *was requested by that local agency or school district, within the*  
3 *meaning of Section 17556 of the Government Code and Section 6*  
4 *of Article XIII B of the California Constitution.*

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